THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.No. 11541 of 1997

Dated: 21-11-2006

Between:-

M/s. Shanthi Casting (P) Ltd.,
Plot No.57, I.D.A. Thumkunta,
Hindupur, Ananthapur district

..Petitioner

And

Andhra Pradesh State Electricity Board,
Rep., by its Member Secretary, Viduth Soudha,
Hyderabad and another.

..Respondents.

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:O R D E R:

The writ petitioner is a private limited company, which is involved in the manufacture of Steel ingots, filed this writ petition challenging the demand notice dated 03-06-1997 raised by the Superintendenting Engineer, Operation Circle, A.P.S.E.B., Ananthapur.

In the aforesaid demand notice, the payment of Rs.3,13,488-30 was raised towards additional charges in the consumption bill for the month of May, 1991. The petitioner was having an agreement for supply of electrical power of 3500 KVA. When the tariff was revised vide BPMs.No. 671 in the year 1987 and further enhancement of tariff by BPMs.No. 353 in the year 1989, the said revisions were questioned before this court in W.P.No. 11320 of 1988. Pending disposal of the writ petition, the petitioner obtained interim order on condition of payment of 50% of the enhanced tariff. The writ petition was disposed of on 23-04-1990 in terms of a Division Bench judgment by which the power of the Board to impose additional charges was upheld. On the amount which was not paid in view of the interim orders, there was a demand for payment of additional charges to the tune of Rs.3,08,876-60, which was permitted to be paid in six installments. It is stated that the said arrears, on account of the

additional charges, were paid in full by 29-12-1990. Subsequently, when the consumption bill was issued for the month of May, 1991, an amount of Rs.2,06,283-00 was withheld on the ground that the said amount was adjusted as per the orders passed by this court. But however as the earlier judgment was reversed by the Division Bench on the amount which was withheld i.e., Rs.2,06,283-00 from the consumption bill of May, 1991, the respondents have raised further demand of additional charges to the tune of Rs.3,13,488-30 Ps.,

It is submitted by the learned counsel that the amount of Rs.2,06,283-00 was the demand for additional amount dues. In that view of the mater, the respondents have no authority or jurisdiction to collect further amount of Rs.3,13,488-80 on an amount of Rs.2,06,283-00.

But, however, it is to be noted that the earlier additional amount of Rs.3,08,876-60 was permitted to be paid in six installments and all the installment amounts were paid by 29-12-1990. So far as this amount of Rs.2,06,283-00 is concerned, the same is deducted by the petitioner on his own from the consumption bill of May, 1991. In that view of the matter, it cannot be said that the said amount of Rs.2,06,283-00 is an amount representing additional charges levied under Condition No.32.2.1(a) of the Terms and Conditions of Supply of Electricity framed under the Electricity (Supply) Act, 1948. The said amount is the amount, which is deducted by the petitioner on his own from the consumption bill for the month of May, 1991, which was payable by 12-06-1991 and as per the Condition No. 32.2.1(a) of Terms and Conditions of Supply, the bill shall be paid by the High Tension consumers within fifteen days and Low Tension Consumers within fourteen days from the date of the bill, failing which, the consumer shall be liable to pay additional charges. As much as this

amount of Rs.2,06,283-00 was payable by 12-06-1991 and the same was not paid upto 1997, this impugned demand is made towards additional charges on the amount which is withheld by the petitioner representing consumption charges. In that view of the matter, I do not find any illegality in issuing the impugned proceedings for payment of Rs.3,13,488-30. The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

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R. SUBHASH REDDY, J

Dated: 21-11-2006
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